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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,843	08/03/2001	Carl E. Iverson	Cleaning Full	8630

7590 10/10/2003

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EXAMINER

HRUSKOCI, PETER A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/921,843	Applicant(s) IVERSON ET AL.	
	Examiner Peter A. Hruskoci	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. in view of Schroeder et al.. Christensen et al. disclose (see col. 2 line 66 through col. 5 line 36) a method of treating flowing water in a water distribution system substantially as claimed. The claims differ from Christensen et al. by reciting a step for introducing a predetermined amount of an admixed reacted mixture of sodium chlorite solution and acid into a water system. Schroeder et al. disclose (see col. 3 line 5 through col. 5 line 28) that it is known in the art to utilize an aqueous composition comprising sodium chlorite and acid, to aid in disinfecting cooling water. It would have been obvious to one skilled in the art to modify the method of Christensen et al. by introducing the recited reacted mixture in view of the teachings of Schroeder et al., to aid in disinfecting the flowing water in the water system. With regard to claims 3, 4, 9-14, and 16, it is submitted that the dispersants and inhibitors disclosed in Christensen et al. or the sequestering agents or complexing agents disclosed in Schroeder et al. would inhibit or control mineral deposits as in the instant method. With regard to claims 17 and 18, it is submitted that Christensen et al. disclose that it is known in the art of water treatment to utilize sodium molybdate in combination with compositions including chlorine dioxide

and 2-phosphonobutane-1,2,3-tricarboxylic acid, to aid in inhibiting corrosion in a process water system.

Applicants argue that Schroeder et al. is non-analogous art because there is no disclosure of adding any solution or mixture into flowing water in a water distribution system. It is submitted that the cooling water treated in Schroeder et al. includes recirculated or flowing water in a water distribution system. Furthermore, applicants are directed to the teachings of Christensen et al. as applied above, which show the treatment of cooling water flowing from a cooling tower to a treatment station and recycled back to the cooling tower.

Applicants argue that a person having no knowledge of applicant's invention would have no reason to consult Schroeder et al. as to how surfaces are disinfected in search for a solution as to how to eliminate bacterial fouling in a flowing water system. It is submitted that Schroeder et al. is not limited to disinfecting surfaces and includes the disinfection of cooling water, which would appear to eliminate at least some bacterial fouling or microorganisms in the flowing cooling water or cooling water system. Furthermore, applicants have not provided sufficient factual evidence to support the above argument.

Applicants argue that the step of introducing the activated mixture into the water for inhibiting and/or removing mineral deposits from the system is not disclosed in Schroeder et al. It is submitted that the dispersants and inhibitors disclosed in Christensen et al., or the sequestering agents or complexing agents disclosed in Schroeder et al. would inhibit or control mineral deposits as in the instant method.

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Applicants citation of case law has been carefully considered but is not deemed pertinent due to the different circumstances involved in the instant application.

Applicant's election without traverse of Group I, claims 1-18 is acknowledged. The restriction requirement is made final.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is 703-308-3839. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Peter A. Hruskoci
Primary Examiner
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10/1/03